

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS SHERMAN DIVISION**

SCOTT GUTHRIE, Individually and as)	
The representative of the estate of)	
CAROL BLACKELL, Deceased)	
)	
JASON GUTHRIE)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:17-CV-00345
)	
3 WAY TRUCKING, INC.)	
)	
BOBBY CHARLES SPLAWN, Deceased)	
)	
Defendants.)	

STIPULATION OF PARTIAL DISMISSAL WITHOUT PREJUDICE

Plaintiff Scott Guthrie, individually and as the Representative of the Estate of Carol Blackwell, deceased and Jason Guthrie (“Plaintiffs”), Defendant 3 Way Trucking, Inc., and Shawn Splawn, the surviving spouse of the named Defendant, Bobby Charles Splawn, Deceased (collectively, the “Parties”), agree and stipulate to the dismissal without prejudice of all claims and demands herein brought by or on behalf of Plaintiffs against Bobby Charles Splawn, Deceased.

The Parties have further stipulated that this partial dismissal shall not serve as a basis for dismissal of Plaintiffs’ right to pursue direct or vicarious liability claims or any other remedies or rights against 3 Way Trucking, Inc.

The Parties have further stipulated that this partial dismissal shall not prejudice the right of any party to this suit to depose and present Mr. Splawn’s widow, Shawn Splawn, as a witness at trial.

This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2.

This case is not governed by any federal statute that requires a court order for dismissal of the case.

Plaintiffs have not previously dismissed any federal or state court suit based on or including the same claims as those presented in this case.

This dismissal is without prejudice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon the following via the ECF filing system pursuant to the Federal Rules of Civil Procedure on July 26, 2017. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECFT registrants:

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